

Message Text

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ORIGIN EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 L-03 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 /027 R

DRAFTED BY EB/AN:WBCOBB:TP

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R 102355Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR: REJECTION BY JCAB OF PROPOSED AIR FARE
FILINGS

REF: TOKYO 12464

1. AFTER A REVIEW OF THE RECORD IN THE CASE THE USG
CONTINUES TO BE OF THE OPINION THAT THE CAB ACTED WITHIN
ITS RIGHTS IN ALLOWING THE PROPOSED EXCURSION FARES TO
ENTER INTO EFFECT. THESE FARES, WHICH ARE APPLICABLE
ONLY TO ROUND TRIP TRANSPACIFIC ROUTINGS WHICH ORIGINATE
AND TERMINATE IN THE UNITED STATES, ARE AS WE HAVE
PREVIOUSLY INDICATED, NOT INCONSISTENT WITH FARES
AVAILABLE IN THE US MARKETPLACE FOR SIMILAR SERVICES,
AND ARE EXPECTED TO CONTRIBUTE TOWARD THE ULTIMATE
ATTAINMENT OF A MORE RATIONAL AND UNIFORM LEGAL FARE
STRUCTURE.

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2. AN ORAL NOTIFICATION OF DISSATISFACTION HAS NO FORMAL
STATUS, NOR CAN THE NOTICE GIVEN BY THE JCAB TO THE US
DESIGNATED CARRIER BE STRETCHED TO COVER THE NOTICE OF
DISSATISFACTION BETWEEN THE CONTRACTING PARTIES FOR WHICH

PROVISION IS SPECIFICALLY MADE IN ARTICLE 13 (D).

IN USG VIEW THE ACTIONS TAKEN HERE ARE NOT INCONSISTENT
WITH THE US-JAPAN AIR TRANSPORT AGREEMENT.

3. FYI. WE ARE AWARE THAT JAPANESE CIVIL AUTHORITIES
MAY SEEK TO IMPOSE PENALTIES ON PAN AM BUT WE ASSUME IT
WILL FIRST HAVE TO ESTABLISH THAT PAN AM HAS OPERATED IN
VIOLATION OF JAPANESE LAW AND REGULATIONS. PAN AM FOR
ITS PART ADVISES US IT IS AWARE OF THIS RISK. WE VIEW
THIS FARE DISPUTE AS ONE MORE ITEM ON A GROWING LIST OF
UNRESOLVED US-JAPAN CIVIL AIR ISSUES WHICH MUST
ULTIMATELY BE DEALT WITH IN BILATERAL CONSULTATIONS,
BUT OUR PRESENT ESTIMATE IS THAT ANY GOJ REQUEST FOR
CONSULTATIONS WILL NOT COME UNTIL AFTER EMPEROR'S VISIT.
KISSINGER

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Message Attributes

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Draft Date: 10 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
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